

PERSONAL SERVICE CONTRACT REVIEW BOARD

Training for the Certified Mississippi
Purchasing Agent Program (CMPA)

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Director, PSCRB

PERSONAL SERVICE CONTRACT REVIEW BOARD

Content

- General Overview
- Contract Workers and Independent Contractors
- Traditional Methods of Procurement
- Preapproved Vendor Lists
- House Bill 825 (2015 Regular Session)

2

PERSONAL SERVICE CONTRACT REVIEW BOARD

General Overview

3

PERSONAL SERVICE CONTRACT REVIEW BOARD

PSCRB History and Purpose

- Established by 1997 Mississippi Legislature
 - Mississippi Code Annotated § 25-9-120
- Our Goals
 - To ensure competition and fairness in the procurement of personal services and to protect the best interest of the State of Mississippi while providing excellent service and assistance to all state agencies

4

PERSONAL SERVICE CONTRACT REVIEW BOARD

PSCRB Purview

- Applies only to the procurement of personal and professional services
 - Commodities vs. Services; DFA vs. PSCRB
- Applies regardless of funding source
 - Federal, General, and Other
- Applies to agencies under the purview of the Mississippi State Personnel Board

5

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PSCRB Membership

- MSPB Executive Director
- Two appointees by the Governor
- Two appointees by the Lieutenant Governor
- Executive Director of DFA, ex officio

6

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PSCRB Mandate

- Promulgate rules and regulations governing solicitation and selection of contractual services
- Approve personal and professional contracts in excess of \$75,000

7

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PSCRB Exemptions

- MDOT personal service contracts
- Computer or information technology related service contracts governed by ITS
- Contracts for equipment repairs governed by Mississippi Code Annotated § 31-7-13

8

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Professional Services Exempt from PSCRB Purview

- Accountant
- Architect
- Attorney
- Professionals utilized by PERS Board
- Auditor
- Engineer
- Utility rate expert

9

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Contract Workers and Independent Contractors

10

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Contract Workers

- Meets requirements for a contract worker under the Internal Revenue Code, see PSCRB Rules and Regulations, Appendix C
- Contracts that cumulatively exceed \$75,000 are under PSCRB purview
- Agencies issue a new paper contract each year
 - Renewals
 - Modifications

11

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Independent Contractors

- If the contract worker definition under the Internal Revenue Code is not met, they are an independent contractor
- State does not pay taxes
- Independent contractor exercises control over their own work

12

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Renewal vs. Modification

- A **renewal** is based on optional terms contained in the contract. The renewal will add additional time to the contract term.
- A **modification** is used to change any other item in the contract (e.g. scope of services increase).

13

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Renewal Terms for Independent Contractors

- Are OPTIONAL
- Must be exercised prior to contract expiration
- Must be issued as an amendment or modification to the contract – not a new contract
- Contract cannot be renewed without renewal terms

14

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Renewal Terms for Independent Contractors

- Must be under same terms and conditions as original contract
- Need PSCRB approval (prior to contract expiration)
- Must be submitted 30 days prior to the board meeting (applies to contract workers and independent contractors)

15

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Contract Modifications

- Contract cannot be modified to increase spending authority without a change in scope or an increase in the population served.
- If PSCRB approved the contract, **all** modifications must also be approved (even decreases).
- Modifications are made through an amendment (not by issuing a new contract).

16

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Termination of Contracts

- For contract workers, if the agency terminates a contract, the PSCRB staff should be notified and the contract terminated in SPAHRS. A termination requires Board approval, if previously approved by the Board.
- After all outstanding invoices have been paid, the requested spending authority in SPAHRS should be reduced to the amount paid.
- **After** PSCRB staff approves the reduction, the termination date should be entered into SPAHRS.

17

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Termination of Contracts

- For independent contractors, spending authority in MAGIC should be reduced to the amount paid and a termination date should be entered.

18

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Thirty-Day Submission Deadline

- All contracts to be submitted 30 days before monthly PSCRB meeting
- Any contract not objected to by PSCRB within 30 days of submission will be presumed to be approved

19

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Authorization to Audit

- PSCRB authorized to audit records of agency
- Purpose of audit is to ensure that agency has used competitive procedures

20

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Methods of Procurement

21

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Methods of Procurement

- Invitation for Bid (IFB)
- Request for Proposals (RFP)
- Emergency
- Sole-Source
- Preapproved Vendor Lists

22

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Invitation for Bid vs. Request for Proposals

- | | |
|--|---|
| 1. Bids opened publicly | 1. Proposals opened privately |
| 2. Unconditionally accepted | 2. Shall include evaluation factors (only use factors in RFP) |
| 3. After bid opening, no changes permitted | 3. Allows for negotiations and discussions |
| 4. Discussions not allowed | 4. Discussions allowed/price adjustment |
| 5. Lowest responsible bidder | 5. Award made to most advantageous proposal |

23

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Emergency Procurements

Section 3-206

- "The Head of a Purchasing Agency, or a designee, may make or authorize others to make emergency procurements . . . provided that such emergency procurements shall be made with such competition as is practicable."

24

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Sole-Source Procurement

Section 3-205

- Binding, valid court order
- Publication
- Objection to sole-source determination by other vendors
- Written determination
- Reporting requirement

25

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Content of IFB Procurement

Section 3-202

- Bid Deadline
- Bid Form
- Bid Opening
- Bid Evaluation and Award

26

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Content of RFP Procurement

Section 3-203

- Proposal Schedule
- Proposal Format
- Evaluation and Classification of Proposals
- Proposal Evaluation and Award
- Sample RFP – Appendix B

27

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Required Statements and Clauses for
Procurements

28

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- | | |
|---|---|
| 1. Applicable Law | 9. Certification of Independent Price Determination |
| 2. Availability of Funds | 10. Prospective Contractor's Representation Regarding Contingent Fees |
| 3. Procurement Regulations | 11. E-Payment |
| 4. Compliance with Laws | 12. E-Verification |
| 5. Stop Work Order | 13. Transparency |
| 6. Representation Regarding Contingent Fees | 14. Paymode |
| 7. Representation Regarding Gratuities | 15. Debriefing |
| 8. Acknowledgment of Amendments | |

29

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Advertisements

30

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Content of Public Notice

Section 3-202.06.3

- The *(name of the agency)* will accept sealed bids until *(time of bid opening)*, *(day of the week)*, *(month)*, *(date)*, *(year)* for the purpose of purchasing the following: *(name of service to be procured)*, *(bid file number)*.
- Detailed specifications may be obtained by contacting *(name of contact person)* at *(telephone number)*, *(e-mail address)*, or at *(physical mailing address)*.

31

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Advertising Time

Section 3-202.06.4

- Advertise for two consecutive weeks with the second notice being published on or after the seventh calendar day after publication of the first notice.
- For example: Monday of week one and Monday of week two.

32

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Responsive Bidders and Offerors

Section 3-101(q)

- Determination of non-responsiveness
 - Bidder/Offeror who has not submitted a bid/proposal which conforms in all material respects to the IFB/RFP
- Written determination of non-responsiveness sent to bidder/offoror immediately

33

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Responsibility of Bidders and Offerors

Section 3-401(a)

- Determination of responsibility
 - Standards of responsibility
 - Information pertaining to responsibility
 - Ability to meet standards
 - Duty concerning responsibility
- Written determination required

34

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Right of Nondisclosure

Section 3-401(b)

- Information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the office of the purchasing agency if so requested by the bidder or offeror, except as might be required by Mississippi Code Annotated § 25-61-1, et. seq.

35

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Evaluating Bids

- Bids evaluated on price
- Contract awarded to the “responsible” bidder who submits the lowest cost

36

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Classifying Proposals

Section 3-203.13.3

- Acceptable
- Potentially acceptable
- Unacceptable
 - Must be notified in writing immediately

37

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Required Evaluation Factors for RFPs

1. Plan for performing the required services
2. Ability to perform the services as reflected by technical training and education, general experience, specific experience in providing the required services, and the qualifications and abilities of personnel proposed to be assigned to perform the services
3. Personnel, equipment, and facilities to perform the services currently available or demonstrated to be made available at the time of contracting
4. Record of past performance of similar work
5. Price

38

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Evaluating Cost

- Should be objective, not subjective
- Consider using the formula
- Lowest price vendor should receive the maximum number of points allowed
- Other vendors' price divided into low price

39

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Formula for Evaluating Cost

- | | |
|--|--|
| 1. Company A = \$150,000 | 1. Company A = 10 pts |
| 2. Company B = \$160,000 | 2. Company B = $150,000/160,000 = .9375 \times 10 = 9.375$ pts |
| 3. Company C = \$180,000 | 3. Company C = $150,000/180,000 = .8333 \times 10 = 8.333$ pts |
| Company A is low bidder | |
| Total evaluation points for price = 10 | |

40

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Suggestions for Protest Memo

- Agency procurement type and number
- Number of responses to procurement
- Unacceptable, non-responsive, and non-responsible
- Date bidders/offerors notified
- Contracts awarded as per the IFB/RFP
- Amounts bid by all respondents evaluated
- Debriefing information
- Any protests

41

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Contract Information

42

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Contract Form

- See PSCRB webpage, Preapproved Vendor Contract Template
- Types of Contracts – Section 3-501
- Multi-Term Contract – Section 3-502
- Contract Administration – Chapter 4
- Required Clauses for Service Contracts – Appendix D

43

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Required Clauses – New Contracts

- Applicable Law
- Availability of Funds
- Representation Regarding Contingent Fees
- Representation Regarding Gratuities
- Procurement Regulations
- Compliance with Laws
- Stop Work Order

44

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Required Clauses – New Contracts

- E-Payment
- E-Verification
- Transparency
- Paymode

45

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Complete New Contract Package

- Contract unsigned, unless emergency contract
- Protest memo
- Debriefing information
- Evaluation material, including all vendors' pricing information

46

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Complete New Contract Package

- Other pertinent information
- Selected vendor's response
- Invitation for Bids or Request for Proposals
- Documentation required by procurement and contract
- Notice of Publication

47

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General Information

- Insurance
- Travel
- Letter from Bond Commission
- PSCRB Submission Deadlines

48

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Preapproved Vendor Lists

49

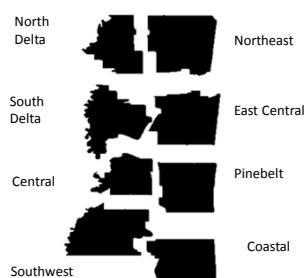
PERSONAL SERVICE CONTRACT
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Preapproved Vendor Lists

- Miss. Code Ann. § 25-9-120 authorizes the PSCRB to “establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board.”

50

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51

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Categories of Preapproved Vendor Lists

- Background Screening Services
- Janitorial Services
- Laundry and Linen Services
- On-site Mobile Shredding Services
- Professional Nursing Services
- Security Guard Services – Armed and Unarmed
- Temporary Staffing Services

52

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Preapproved Vendor List
Background Screening Services

53

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Miss. Code § 25-1-113(2) Public employment of persons convicted of embezzlement of public funds prohibited

- “From and after July 1, 2014, the state and any county, municipality or any other political subdivision *shall not employ or continue to employ* a person who has been convicted or pled guilty in any court of this state, another state, or in federal court of any felony in which public funds were unlawfully taken, obtained or misappropriated in the abuse or misuse of the person's office or employment or money coming into the person's hands by virtue of the person's office or employment.”

54

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Categories of Background Screening Services

- Base Package
- Financial Package
- State Fleet User Package
- Social Security Number Validation and Trace
- Employment Verification (Current/Previous)
- Reference Checks (Professional/Personal)
- U.S. Federal Court Records
- National Criminal Records
- Statewide Criminal Records
- County Criminal Records
- Municipality Criminal Records
- Educational Degree Validation
- Professional Licensure and Credential Verification
- Credit Check
- Sexual Offender Registration Search
- Annual Motor Vehicle Record Check

55

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Background Screening Services Packages

- Base Package
 - SSN validation and trace, employment verification (seven years up to three employers), educational degree validation, and national, state, county, municipality criminal background checks.
- Financial Package
 - Base Package and credit check
- State Fleet User Package
 - Base Package and motor vehicle report

56

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Additional Required Vendor Capabilities

- Results of all background checks will be sent via a secure method to the appropriate Agency representative as soon as available. Such availability is to be no later than **three business days of making a request**, unless otherwise specified by the Agency.
- Vendors must provide secured viewing and real-time access to information (such as, but not limited to, status of requests and historical access of previously collected information).
- Vendors must ensure privacy and confidentiality of information associated with background screening services to the extent required by all Federal and State law(s).

57

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Regions: ALL			
Vendor Name:	Scott Roberts & Associates, LLC	American Databank	Inquiries, Inc.
Base Package	\$36.75	\$39.95	\$46.00
Financial Package	\$44.00	\$46.95	\$52.00
State Fleet User Package	\$42.75	\$44.95	\$55.00
Social Security Number Validation and Trace	\$3.50	\$3.95	\$2.25
Employment Verification (Current/Previous)	\$11.00	\$7.95	\$8.25
Reference Checks (Professional/Personal)	\$11.00	\$7.95	\$7.75
U. S. Federal Court Records	\$8.10	\$7.95	\$7.75
National Criminal Records	\$6.50	\$7.95	\$5.00
Statewide Criminal Records	\$6.50	\$7.95	\$8.75
County Criminal Records	\$6.50	\$7.95	\$9.75
Municipality Criminal Records	\$6.50	\$7.95	\$10.75
Educational Degree Validation	\$5.50	\$7.95	\$9.25
Pro. Licensure & Credential Verification	\$5.50	\$7.95	\$7.75
Credit Check	\$6.90	\$9.95	\$6.50
Sexual Offender Registration Search	\$4.00	\$2.95	\$5.00
Annual Motor Vehicle Record Check	\$5.00	\$3.00	\$3.25

58

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Just a Reminder

- Conducting a Background Screening is a legally complicated issue. Remember to ***always*** check with your agency attorney before entering into any agreement to conduct background screenings or prior to using the results in your hiring decisions.

59

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Legal Compliance

- Federal law requires a job applicant's or a current employee's consent before an employer hires a third party to run background checks. If these searches are performed and the proper consent not obtained, there is a possibility that the employer could violate federal law and subject itself to civil penalties.

60

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Categories of Janitorial Services

- After business hours only
- After business hours with on-site worker during business hours
- During business hours only

61

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Categories of Laundry and Linen Services

- Small Agency
- Medium Agency
- Large Agency
- Separate list for Ad Hoc Items

62

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Categories of On-Site Mobile
Shredding Services

- Pricing for Purge Shredding Service per pound
- Pricing for Purge Shredding Service per box or container
- Pricing for Purge Shredding Service for Scheduled Shredding Service for 32-Gallon Container, 64-Gallon Container, and 96-Gallon Container

63

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Categories of Professional
Nursing Services

- Registered Nurses (RNs)
- Licensed Practical Nurses (LPNs)
- Certified Nursing Assistants (CNAs)

64

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Categories of Uniformed, Security
Guard Services

- One guard during regular business hours with the option for additional guards
- One guard during after business hours with the option for additional guards
- One guard twenty-four hours a day with the option for additional guards

65

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Two Forms of Security Guard Services

- Foot patrol; and,
- Car patrol

66

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Categories of Temporary Staffing Services

- General office support
- Administrative office support
- Accounting office support
- Vendors are able to provide all three categories of service.

67

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General Office Support

Staffing personnel must meet the following criteria:

- High school diploma or GED
- Six (6) months of office support experience
- Good communication skills
- Proficiency operating office equipment (copier, scanner, fax)
- Basic knowledge of Microsoft Office programs
- Experience in telephone etiquette and routing calls
- Other general office support skills, as required

68

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Accounting Office Support

Staffing personnel must meet the following criteria:

- High school diploma or GED
- One (1) year accounting experience
- Advanced knowledge of Microsoft Excel
- Basic knowledge of other Microsoft Office
- Other accounting office support skills, as required

69

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Using Preapproved Vendor Lists

- Go to www.mspb.ms.gov
- Go to the PSCRB tab
- Click on Preapproved Vendor Information
- Click on the link for the selected service
- Check the regions map to locate the list of vendors for your region

70

MISSISSIPPI STATE PERSONNEL BOARD

Home About MSPB Agency Resources Professional Development **Personal Service Contract Review Board** Employee Appeals Board News

As the central personnel agency for State government, the Mississippi State Personnel Board seeks to recruit qualified individuals from all segments of society. If you are looking for challenging and rewarding work with unlimited career growth potential, you've come to the right place.

The Mississippi State Personnel Board has under its purview more than 30,000 employees who serve the State of Mississippi each day. Our focus is recruiting and retaining those who are committed to serving the people of Mississippi.

Our Vision: To ensure a quality workforce for the State of Mississippi.

Our Mission: To lead the way in human capital and workforce management.

Job Seekers
Find all the information needed to apply for a job within the State of Mississippi here.

Current Employees
Information for State employees on policies, health benefits and retirement information.

State Agencies
Agencies find resources such as cost analysis, recruitment services, employee development, employee relation.

News Resources MSPB Calendar

MISSISSIPPI STATE PERSONNEL BOARD

Home About MSPB Agency Resources Professional Development **Personal Service Contract Review Board** Employee Appeals Board News

Home » **Personal Service Contract Review Board**

Personal Service Contract Review Board

The Personal Service Contract Review Board (PSCRB) plays an integral role in how personal services are procured for the State of Mississippi.

The Mississippi State Legislature established the PSCRB to ensure that quality services are procured at reasonable prices, with terms that are favorable to the State and with limited risk of liability. The PSCRB develops the policies and procedures that ensure personal services are obtained in a competitive manner, and approves contracts in excess of \$75,000.

The PSCRB is responsible for administering standards for the issuance of invitations for bid and requests for proposals, and the award of those bids. It also oversees the consideration of costs and quality of services proposed, the contract negotiations, and the administrative monitoring of contract performance by agencies, as well as the necessary steps in terminating a contract. Administering standards for the procurement of personal or professional services through the use of emergency and sole-source contracts is also a responsibility of the PSCRB.

The Mississippi State Personnel Board provides administrative support for the PSCRB.

The first PSCRB meeting of FY 2016 will be Tuesday, July 14, 2015 at 9:00 AM at the Mississippi State Personnel Board office at 210 E. Capitol Street, Suite 270, Jackson, MS.

PSCRB meeting dates for FY 2016 are listed below:

Home About MSPB Agency Resources Professional Development Personal Service Contract Review Board Employee Appeals Board News

Home » Personal Service Contract Review Board » Preapproved Vendor Information

Preapproved Vendor Lists

Miss. Code Ann. § 25-9-120 established the Personal Service Contract Review Board (PSCRB) in 1997. Pursuant to this statute, the PSCRB "may establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board."

As the need arises, the PSCRB seeks to establish a List of Preapproved Vendors of Services for use by state agencies and entities under the purview of the PSCRB (hereafter "agencies").

This page contains links to information about the various regions, services available, and preapproved providers of those services. PSCRB has developed contract templates which may be used when contracting with a provider on the preapproved vendor list. These templates are available upon request.

If you have questions about this information, please contact Faye James at 601.359.1406.

Security Services Vendor List Contract Template

Janitorial Services Vendor List Contract Template

Nursing Services Vendor List Contract Template

Temporary Staffing Vendor List Contract Template

Background Screening Vendor List Contract Template

On-site Mobile Shredding Service Vendor List Contract Template

Laundry and Linen Services Vendor List Contract Template

Archives

Background Screening Services
ALL Regions

Winning bids (base price*) for all background services for ALL REGIONS

Vendor Name:	American Databank	Inquiries, Inc.	Scott Roberts & Associates, LLC
Base Package	\$39.95	\$46.00	\$36.75
Financial Package	\$46.95	\$52.00	\$44.00
State Fleet User Package	\$44.95	\$55.00	\$42.75
Social Security Number Validation and Trace	\$3.95	\$2.25	\$3.50
Employment Verification (Current/Previous)	\$7.95	\$8.25	\$11.00

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Using Preapproved Vendor Lists

- Scroll down to your preapproved vendor region
- Contact the lowest bidding vendor first
- No changes can be made to scope of services
- Use contract template on PSCRB webpage and submit to PSCRB consultant for review

75

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Using Preapproved Vendor Lists

- Receive notification when contract is ready to be executed
- Submit executed contract for final approval
- Approved after executed version submitted (if contract template used)

76

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Benefits of Preapproved Vendors

- No procurement necessary
- Cost savings
- Time savings
- Form contracts available

77

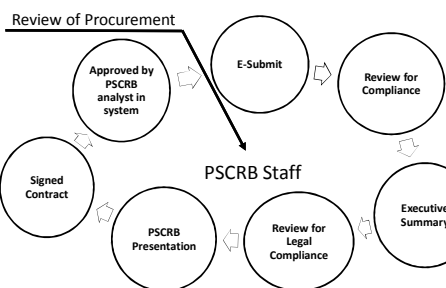
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PSCRB Processes

78

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Contract Review Diagram



79

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PSCRB Meetings

- The PSCRB meets the Tuesday before the third Thursday of each month
- Meeting dates/times posted on the PSCRB page of the MSPB website
- Location for meetings:
 - 210 East Capitol Street, Jackson, MS 39201
 - Second Floor, Regions Plaza, Suite 250

80

PERSONAL SERVICE CONTRACT REVIEW BOARD

Contract Execution

- Contracts are executed only after Board approval.
- If the Board approved a renewal, the renewal document must be executed, submitted and approved prior to the expiration of the initial term.
- The vendor should have reviewed the contract prior to it being submitted to the PSCRB. If the contractor requests changes after the Board approves the contract, it will have to go back before the Board.

81

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Revisions to PSCRB Regulations Effective January 16, 2015

82

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5-101 AUTHORITY TO DEBAR OR SUSPEND

5-101(a) Authority

- Last year, an online Vendor Quality Report form was made available for use by agencies. This revision adds that the Vendor Quality Report must be submitted to the PSCRB to request the debarment or suspension of a contractor or potential contractor.

83

PERSONAL SERVICE CONTRACT REVIEW BOARD

Chapter 7 POLICIES AND PROCEDURES

7-110 Emergency Contracts

- The revision provides that emergency contracts will be reviewed by PSCRB staff upon the submitting agency's written request. The PSCRB staff will notify the agency of any problems; however, it remains the agency's responsibility to correct the errors.
- Any approval by the PSCRB in MAGIC or any other state system does not constitute approval of the emergency procurement and is only performed for processing purposes.

84

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Chapter 7 POLICIES AND PROCEDURES

7-110 Emergency Contracts

- The revision further clarifies that emergency contracts will be processed in MAGIC upon receipt and reviewed by PSCRB staff upon the submitting agency's written request.
- If no written request for review is made by the submitting agency, PSCRB staff will process the contract in MAGIC and will perform its review of the contract for internal auditing purposes.

85

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Chapter 7 POLICIES AND PROCEDURES

7-104 Submission Deadlines

- Provides that contract packets that have not been presented to the PSCRB (or staff approved, where authorized) will be returned to the agency with no action taken after sixty (60) days.

86

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**APPENDIX A – AGENCIES UNDER PSCRB
PURVIEW**

- Revisions suggested for Appendix A provide updates necessary as a result of the new MAGIC numbering system.

87

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**APPENDIX D – REQUIRED CLAUSES IN CONTRACTS FOR
SERVICES**

APPENDIX E – REQUIRED CLAUSES IN RFPs and IFBs

Paymode Clauses

- Changes name of "Statewide Automated Accounting System (SAAS)" to generic phrase "State's accounting system".

88

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Questions and Answers

89

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PSCRB Staff

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- **Administrative Assistant:**
 - Deidre Thompson, 601-359-6517
- **Attorney:**
 - Sara DeLoach, Special Assistant Attorney General

90

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